



# City of Granite City

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## *Special Meeting of the Board of Appeals August 29, 2012 MINUTES*

The Granite City Board of Appeals met on Wednesday, August 29, 2012. Chairman Sam Akeman called the meeting to Order at 7:00 PM.

### **ROLL CALL**

Members Present: Sam Akeman, Debbie Smith, Kayleen Johnston, Kim Benda and Kitty Reither. Also present were Aldermen Dan McDowell, Bill Davis, Paul Jackstadt, Don Thompson, Jerry Williams, Assistant City Attorney Laura Andrews and Zoning Administrator Steve Willaredt. Excused absence: Evelyn Harris.

### **COMMENTS/SWEAR IN**

The Chair welcomed everyone and stated the Board of Appeals is a recommending body to the City Council and the Council will have final determination at the next regularly scheduled meeting on September 4, 2012. Persons in the audience, wishing to speak at this evening's hearing were sworn in.

**Petitioner: David Breeden**  
**3220 Erin Drive**  
**Parcel ID: 22-2-20-09-18-302-003**  
**Primary hearing date August 1, 2012**

The Chair explained the Petition was referred back to the Board of Appeals by the City Council for reconsideration. The Chair reiterated the Board of Appeals will make a determination and present the findings to the City Council for a final decision.

The Zoning Administrator distributed measurements and eight color photographs of the area in front of Mr. Breeden's residence (Attachment A, copies available upon request). Mr. Breeden petitioned for a 12 ft. front setback variance to allow for construction of an 11 X 12 ft. carport abutted to the front of an existing garage in a District Zoned R-2.

David Breeden introduced himself and stated his bewilderment no one raised the issue to him nor did anyone come to him to discuss the carport (Reference to the Petition signed by Protesting neighbors and presented to the Mayor and City Council). The Petitioner believes there may be

confusion as to what the carport will look like, therefore, presented a more detailed rendering of the proposed carport (Attachment B, copy available upon request) and introduced his contractor, Jon Lair, local owner of Xlent Home Improvement, LLC, to explain the proposed construction and answer questions.

Mr. Lair said the carport columns, shingled roof, soffit and guttering will match what is on the residence and existing garage. The sides of the carport will be open. He explained and answered questions from the Board and audience concerning the dimensions as depicted on the blueprint.

The Chair called for anyone in the audience that wished to speak against the Petition.

Mr. Bill Jacobs  
3217 Erin Drive

Commented the Zoning Ordinance (setback requirement) is there for a reason, no one has asked to construct anything that close to the street before. He is opposed.

Jim Chernoff  
3231 Erin Drive

Commented Mr. Breeden's is asking for too much. There is a 25' setback requirement, he is asking for an additional 12' and that is 50%, which is way too much. He is opposed.

Theresa Petrillo  
3248 Erin Drive

Asked for permission and received it, to distribute a statement, from her husband (Donald R. Petrillo) and herself (Attachment C, copy available upon request). Theresa read the memorandum. Requested variance to be denied.

Ed Brown  
3243 Erin Drive

He has lived there for 39 years and is totally opposed. His concern is, if Mr. Breeden is allowed the variance, others will come along wanting the same.

Jay Wyatt  
3239 Erin Drive

Has lived there for 30 years and has lived in Granite City for 66 years. Never has he seen a hail storm like the one we had. He believes the carport is an extreme measure; putting a structure up to protect against, hopefully, what was a once in a lifetime storm. The structure would change the character of the neighborhood.

Ed Brown  
3243 Erin Drive

Returned to (microphone) with comment he did not believe a hail storm is a good reason for the variance. A vehicle could be anywhere and if damaged, the insurance would take care of it. No further opposition.

The Chair called for those in favor. Mr. Breeden came forth with rebuttal stating there are many reasons for a carport. He is a disabled veteran. They have grandchildren. It doesn't have to be hail, there is no cover for rain or storms. The plans began in March for the carport, procedures were followed. Findings are supposed to be final and here we go again. Nothing further to state.

Board discussion followed. The Assistant City Attorney asked the Zoning Administrator if there is a carport that would have been allowed what would be the size of that?

Steve Willaredt explained the measurements: The right of way for the street itself on Erin Drive is 50 ft., or 25 ft. on each side from the center of the street. From the edge of the curb going in 10 feet is Mr. Breeden's property line. The overhang from the front of the house to the front fascia is 4 ft. 5 in. give or take a couple of inches. Mr. Breeden's house is actually a couple of feet back. The build line is 25 ft. for front setbacks in his area. If Mr. Breeden builds 12 ft. to the edge of the carport and his property line is 13 ft., to answer your question, that carport would be about 1 ft.

The Chair questioned why the objectors were not at the meeting (on August 1<sup>st</sup>) and was told by one of the protesters that they did not know about it. The Zoning Administrator stated a legal notice was published in the local newspaper and abutting neighbors were sent letters.

Sandy Crites, former Alderwoman and Plan Commission member, now in the audience, asked to speak. She came forth with the following critique:

- 1). Notice was not sent to everyone. The City Ordinance correctly states a Board of Appeals Variance requires notices be mailed to abutting neighbors. The web-site, however, says all Variances require notices mailed to all properties within a 300 ft. radius of the petitioning Property.
- 2). If someone on the web-site goes to the Planning & Zoning Section, then goes to Where is my Property Line? They will see the response is the property line is 1 ft. inside of the sidewalk.
- 3). There is no sidewalk in front of Dave's house, but right next door there is one.
- 4). Reference was made to Ordinance #3818, Section 9-430 Advisory Report and Findings of Fact. Paragraph D: "the plight of the applicant is due to peculiar circumstances not of his own making". Her opinion is a hail storm is not that peculiar.

The Zoning Administrator stated the web-site is not up-to-date, the information on the web was not put in by his Department. He has tried to update information and Ordinance changes but is not able.

The Contractor, Jon Lair, stated, as time goes by people update their property. If what was published in the newspaper is not good enough, then change it. The Petition was approved twice. Mr. Breeden should be compensated. No further discussion.

**MOTION** by Debbie Smith and seconded by Kitty Reither to Deny the Petition by Mr. Breeden for a 12 ft. front setback variance. Roll Call Vote. 3 ayes, 2 no. Motion denied.

Motion to Adjourn made by Debbie Smith and seconded by Kayleen Johnston. Voice vote.  
All ayes.

Respectfully submitted,  
***Barbara Hawkins***  
Secretary, Board of Appeals

*Special Meeting of Board of Appeals*  
**ADVISORY REPORT**  
*August 29, 2012*

**PETITIONER:** David Breedon  
**LOCATION:** 3220 Erin Drive  
**REQUEST:** 12 ft. front setback variance

**Motion** by Debbie Smith and seconded by Kitty Reither to Deny the Petitioner's request for front setback variance and not allow construction of an 11 X 12 ft. carport to be attached to the front of the existing garage.

**ROLL CALL:**

<b>Sam Akeman</b>	<b>Yes</b>	<b>Kimberly Benda</b>	<b>No</b>
<b>Debbie Smith</b>	<b>Yes</b>	<b>Kitty Reither</b>	<b>Yes</b>
<b>Kayleen Johnston</b>	<b>No</b>		

**3 yes, 2 no. Motion Denied.**